

GEORGE E. CHAPMAN
EXECUTIVE DIRECTOR



11,437
td SG

TODD K. BROWN
DEPUTY EXEC. DIRECTOR

TEXAS
WORKERS' COMPENSATION COMMISSION
4000 SOUTH IH-35, AUSTIN, TEXAS 78704
512-448-7900

RQ-17

January 11, 1991

The Honorable Dan Morales
Attorney General of the
State of Texas
Supreme Court Building
Austin, Texas 78701

RECEIVED
JAN 11 91
Opinion Committee

Re: Request for Opinion

Dear General Morales:

As Executive Director of the Texas Workers' Compensation Commission I request an opinion on whether the Commission may reimburse Commissioner Class for expenses and lost wages. He incurred the expenses and lost wages while testifying at the instance of the plaintiff in a suit in which the Commission is the defendant. None of the commissioners were named as defendants in the suit. The facts are more fully set out in Appendix "A" which is attached to this letter.

Remuneration to a commissioner is governed by art. 8308-2.06 V.T.C.S. The Legislative Oversight Committee, created under the authority of art. 8301-2.51 V.T.C.S., advised me that the legislature intended some significant limits on the reimbursement of expenses. You should also be aware of the restrictions on accepting gifts, gratuities, or entertainment by commissioners contained in art. 8308-2.01(g). Copies of the relevant statutes, related correspondence, and the current agency policy are enclosed as Appendix "B."

The documents submitted by Mr. Class to support his expenses are included as Appendix "C." The only subpoenas served on the commissioner which were filed with the court and show a return of service are attached as Appendix "D."

The Honorable Dan Morales
Request for Opinion of the Attorney General
January 11, 1991

Page Two

I would appreciate an expeditious review of this request because the Commission is delaying reimbursing Mr. Class, who is a wage earner, for his expenses until we receive your opinion. If you need any additional information, let me know.

Thank for your time and consideration.

Very truly yours,



George E. Chapman
Executive Director

cc: Commissioner Ramon Class

Enclosures

GEC:SK:TS